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ABSTRACT

This report demonstrates the extent to which Quebec's laws, especially the Charter of the French Language, meant to protect and promote the French language, are actually hurting the present and future use of the English language in that province. It is shown that, through court decisions, individual users of English, a minority, are being denied their civil liberty of freedom of expression in order to protect the collective welfare of the French majority in this portion of Canada. Numerous examples are cited in which the use of English is prohibited, and in some cases one English word or expression can be considered illegal. Intolerance for English is illustrated in laws whose clear intent is to reduce its visibility and presence in the province, in the extreme efforts taken to enforce those laws, and in francophones' public condemnation of English-speakers' use of their native language. Perceived consequences of restricting English, accepted throughout the world as the language of business, for the benefit of this regional minority include increased bilingualism among allophones and anglophones, increased unilingualism among francophones, and potential withdrawal from the Canadian-U.S. alliance. (MSE)

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ENGLISH LANGUAGE BUSINESS ISSUES IN A FRENCH-SPEAKING ENVIRONMENT: THE CASE OF QUEBEC

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ABSTRACT

The English language is under attack in the province of Quebec. This paper demonstrates the extent to which laws, especially the Charter of the French Language, meant to protect and promote the French language is actually hurting the present and future use of the English language. The paper shows, through court decisions, that individual users of the English language are being denied their civil liberties of freedom of expression for the collective welfare of the French majority in this part of Canada. Numerous examples are provided in which the use of English is prohibited, and in some cases one English word or expression can be considered illegal. The paper concludes by reflecting on the consequences of restricting the use of English accepted throughout the world as the language of business for the benefit of a regional majority.

INTRODUCTION

The Quebec market is probably one of the most unique markets in North America (excluding Latin America) for a number of reasons. It is the only market whose population is dominated by a French-speaking majority. Other regions, especially in the United States, also exhibit such a characteristic as is the case in certain parts of southwestern Texas and California. The city of Miami is rapidly becoming the first major bilingual city in the United States. However, apart from the size of the Quebec market of over 6.5 million inhabitants representing 25.8 percent of the Canadian population, its uniqueness comes from the presence and institutionalization of the French language. Over the last four centuries, the presence of francophones and of the French language has contributed greatly to the history and richness not only of Quebec but of Canada as a whole.

Moreover, it is the only market in Canada and the United States which is under the political control of a French-speaking majority. In other words, it is the only place in which the English language occupies a secondary role religiously, politically, socially and since 1977, commercially as well. The implications of such a reality means that the French language is institutionalized at all levels in Quebec society (Arnopoulos and Clift 1984). Quebec and New Brunswick are the only provinces in Canada having their own French language educational system from kindergarten to university. While bilingual universities exist elsewhere, notably in Ontario, New Brunswick and Quebec are the only places where unilingual non English-speaking universities can be found anywhere in Canada. There is simply no equivalence in the United States where public funds support such an educational system.

Every other institution in Quebec is also French-based, including all government services, (provincial as well as municipal), health care and social services, leisure, and, of course,

employment. In fact, the ability to be able to practice one's profession, whether it be in engineering, medicine, law, education, accounting, or any other field exclusively in French illustrates the pervasiveness of the French language in Quebec society which sets it apart from any other market in Canada and the United States, except, perhaps, in New Brunswick.

The omnipresence of French in Quebec is a strong argument to label this province a "distinct society" as proposed by the Meech Lake Constitutional accord. If the accord is approved by all ten provinces by June 1990, the Canadian Constitution will recognize Quebec as a "distinct society."

This hotly debated issue in Canada is beyond the scope of this paper. However, the continued francization of Quebec society by curtailing the use of the English language, which is this paper's theme, led one author to state

> Quebec is unique today not for its language but for being the only place in North America that legislates against language (Wisse 1990, page B-3)

While English language institutions exist in the province, they are outnumbered and overwhelmed by the presence of French language ones (Caldwell and Waddell 1982). There has been a net migration loss of over 150,000 anglophones (persons whose mother tongue is English) and allophones (persons whose mother tongue is neither French nor English) between 1976 and 1986 (Tamilia 1988b). During this same period, there has been a drop of over fifty percent in the English student population in Quebec (Seidman 1987). Given the almost total absence of anglophone workers in the civil service, estimated to be less than one percent, the future of the English language does not look promising in Quebec. Even Bill 142, the English language social services law, which supposedly guarantees anglophones their rights to health and social services in their own language since 1987 has been a failure (Libman 1990).

Why this dramatic drop of twenty percent in the non French segment of the Quebec population? As shown in Table 1, this segment now accounts for about 18 percent of the Quebec population of which 79 percent live in the greater Montreal area (Tamilia and Shapiro 1987). Table 1 also shows that almost one third of the Montreal population is non French. While the rest of the province may be monolithic French, such is not the case for Montreal. The French-speaking distinctiveness of Quebec may be more of a reality outside of Montreal than inside. Also, Montreal accounts for over two-thirds of all bilinguals in the province.

TABLE 1

Some Comparative Statistics Between the French and Non French Segments of the Quebec Population

Anglophones as a percent of the Quebec population	11.0%
Anglophones and allophones (i.e., non French) as a percent of the Quebec population	17.6%
Anglophones as a percent of the metro population of Montreal	18.4%
Anglophones and allophones (i.e., non French) as a percent of the Quebec population	31.5%
Knowledge of Canada's two official languages as a percent of the metro population of Montreal	44.5%

Source: Statistics Canada Catalogues 95-942 and 95-943 and estimates from Tamilia (1988a)

One reason which partially explains the mass exodus of non French Quebecers in the last decade is the provincial-wide law which assures that French be recognized as the only official language in the province. This law, referred to as the Charter of the French language, Bill 101, or simply the language law, was passed in 1977 at the time the Parti Quebécois separatist party was in office. In effect, the law made French the sole language of communication within Quebec society. It would not be an exaggeration to state that the law made Quebec a quasi-independent state within Canada (i.e., it created a country within a country). This ultra nationalistic law is to make Quebec society as French as the rest of Canada is English. One can only ponder on the true distinctiveness of Quebec when, in fact, it is mandated by law.

What is surprising about the law is that it goes against the very essence of what Canada stands for as a bilingual and a bicultural country. The official bilingual status of Canada is what distinguishes it from the United States. The outlawing of the English language and, by the same token of bilingualism in Quebec, has caused much tension and ill will among francophones and the non French segment of the population, both inside and outside of Quebec. As a result, Canada is now experiencing another linguistic crisis with the future of the country at stake.

Bill 101 notwithstanding, it is not the only reason that the non French segment of the Quebec population has declined. Quebec, similar to other areas, has been subjected to the same market forces of capital and employment growth toward the southeastern and southwestern parts of the United States. One could add a multitude of other reasons such as the cold weather, high taxes, a resource-based economy, high unemployment, and so forth. But there is no question, at least as far as this writer is concerned, that Bill 101 and other Quebec laws which directly and indirectly interfere with the market mechanism toward the use of the English

language have contributed greatly toward making Quebec a less than desirable place for the English language to grow and to prosper.

However, the purpose of this paper is not an attempt to explain the decline of the non French segment of the Quebec population. Rather it is to show how the language law and other laws have created an environment in which the English language (and by the same token anglophones) has been curtailed to accommodate the new, French-only sanctioned realities of Quebec society. We will show through case histories, anecdotal evidence, and court decisions how the English language is attempting to survive and remain visible in a society which views all attempts by its government to protect the French language and make it flourish as justifiable even if it means eradicating the established and constitutional rights of non French Quebecers. In other words, we will show examples, some of which are quite amusing and humorous while others are less so, how the laws are helping the Quebec government promote the French language while at the same time bar the use of English in the name of protecting the collective rights of its French-speaking majority, even if one English word is used!

CHARTER OF THE FRENCH LANGUAGE

Of all the laws passed in Quebec since Confederation, the most important one is Bill 101. It is a very complex law affecting every facet of living and working in this province. It is a powerful law whose intent is to make Quebec an exclusively French-speaking society. The law has received worldwide news coverage and is constantly debated in the Quebec and Canadian news media.

It is a law of very important significance to business firms wanting to sell or promote their products and services in this market. The law imposes strict rules in the use of the

English language. For example, the use of English-only in outdoor and transit advertising is prohibited, and so are English-only product manuals, labels, catalogues, and other sales promotion materials. The law permits the use of English or other languages only in certain cases (i.e., religious messages) and only on the condition that French is also prominently shown. The law disallows the use of English on all public signs, commercial or otherwise, as stated in article 58, except in special situations. That article was one of the most contentious of Bill 101, at least as far as firms are concerned because it denied them the freedom of expression to display signs in English, even when French was also present. Five Montreal merchants challenged the legality of article 58. Both the Quebec Superior Court and the Quebec Court of Appeal found the article to be in violation of both the Quebec and Canadian Charter of Rights and Freedom (Tamilia and Shapiro 1987). Instead of accepting these two court decisions, the Quebec government decided in 1987 to appeal the decision to the Supreme Court of Canada.

The highest court in the land agreed with the two lower court rulings that it is illegal and unconstitutional to prohibit bilingual signs. In this landmarked case, the Supreme Court ruled that the Quebec Government had the right to protect the French language and was justified in its attempts of giving French a marked preference, but it could not do so at the expense of prohibiting the use of any other languages, as long as French was also present.

The decision reaffirmed the legality of bilingual signs but it also upheld the two lower court decisions that English-only signs were illegal in Quebec. Bill 101 allows bilingual signs in special circumstances but English-only signs are not permitted under any conditions. In other words, it is legal in Quebec to deny any merchants the right to have their store signs in English only. It is as if the Supreme Court (and lower courts as well) believes in guaranteeing freedom of (commercial) speech so long as it is bilingual!

The logic of this argument would no doubt puzzle any American constitutional expert. It is also confusing given that the court acknowledged that French-only signs did not reflect the cultural diversity of Quebec. We have noted earlier that this high level of multiculturalism exists more in Montreal than elsewhere in the province. So why should English-dominated neighborhoods, or Italian ones or any other ethnic areas be forced to have bilingual signs, with French being more prominently shown than the other language? Is it to protect the francophones who live three hundred miles away from that neighborhood? Or, is it merely "symbolic?"

While the judgement is constitutionally harmonious with the historical duality of Canada, it is nevertheless regrettable. It wiped out the possibility of ever having in Quebec quaint and delightful ethnic neighborhoods populated by merchants whose signs are unintelligible to the average resident. What a loss to a vibrant and cosmopolitan city like Montreal whose "China Town", "Little Italy" and "Little Mexico" will never be what these areas were meant to be in the first place (Decarie 1988).

The five merchants' victory, however, was short-lived because three days after the Supreme Court decision, Bill 178 was passed by the Quebec government which outlawed all bilingual outdoor signs, even those that were allowed under article 58 of Bill 101. By invoking section 33, the "notwithstanding" clause of the Canadian Charter of Rights and Freedom, the Quebec government was able to override the Charter's protection of freedom of expression for up to five years without fear of any legal challenges to Bill 178. Thus, the ban against bilingual signs in Quebec stands until at least 1993 at which time the "infamous" clause can be invoked once again!

Bill 178, also referred to as the outdoor-indoor sign solution, allowed bilingual indoor signs under certain conditions which had been illegal under Bill 101. However, the necessary

conditions for bilingual signs to qualify under the law are so intricate that their presence inside store premises will not be noticed (Scott 1989a).

The Supreme Court decision notwithstanding, Bill 178 is seen as being an even more contentious law than article 58 of Bill 101 was. In fact, the backlash, both inside and outside Quebec, created by Bill 178 is a major stumbling block toward the ratification of the Meech Lake Constitutional accord which would recognize Quebec as a "distinct society."

Let us now present a number of case histories in which the use of the English language violated the Charter of the French language.

THE LANGUAGE ENFORCERS

The Charter of the French Language has its own enforcement agency called la Commission de protection de la langue française. Members of this enforcement agency, colloquially referred to as language cops, or simply "tongue troopers", are inspectors who more often than not obtain information about violations of Bill 101 from French ultra nationalist groups such as la Société St-Jean-Baptise. Sometimes the zeal by which "tongue troopers" go about their business can be remarkable. Only one English word on a sign is sometimes sufficient to bring the wrath of la Commission, as one motel owner discovered. He was fined for having the word "office" on a sign at his motel. La Commission argued that the word was an anglicism and that the French word "bureau" was deemed more appropriate. He appealed his conviction because the word "office" was understood by his customers who were 85 percent anglophones. He finally won his case in Quebec Superior Court, more than five years after la Commission first laid charges against him (Tamilia 1988a).

One of the most bizarre sign change to take effect in Quebec under the language law was the elimination of all bilingual "Stop-Arrêt Signs," replaced by the unilingual "Arrêt" sign. The language law requires that all traffic signs be in French only. Even though the word "stop" is a universally accepted road sign, it was thought to be too "english" and replaced by the word "Arrêt." This sign change created a controversy, especially among French linguists who argued that the word "Arrêt" on a stop sign is improper French because the word is a noun and not a verb as it should be on such a sign (Tamilia 1988a).

It is also illegal to post bilingual traffic signs, even if it endangers the life of anglophones. For example, traffic signs which warn of bumps, fog, icy road conditions, children crossing or children at play are all illegal. Signs near construction sites which warn pedestrians or motorists of fallen objects or blasting cannot be posted in English. One major ski resort operator outside of Montreal stated that he could not post english safety signs even though 90 percent of his customers were not only anglophones but came from outside the province (Scott 1989b). In other words,

> It is technically illegal to warn anglophones in their own language that they are skiing toward a precipice (The Gazette, 1989, page B-2).

Sales of imported agricultural products into Quebec can be prohibited if these food products do not comply with the sign provision of the language law. For example, english-only stickers attached to bananas or pineapples are in violation of the law. Obviously, no fruits or vegetables have yet to be barred from the Quebec market because of these illegal english-only stickers. But the mere thought that the law applies to such innocuous "signs" can only make us reflect on what is the real purpose of the law.

Montreal is known the world over for its famous restaurants and good food. So it came as a surprise when la Commission ordered the Dunn's Delicatessen Restaurant, famous for its

"smoked meat," to change the name of its main dish to a more acceptable french expression "boeuf marine," when translated means marinated beef (Tamilia 1988a). The owner simply refused to change the name of a dish that had been known for generations as "smoked meat." The owner argued that the name change would confuse customers, both anglophones and francophones. He won his case but not before he was told to drop the "s" on all signs and menus which bear the name of his restaurant (i.e., Dunn's).

The language law forced many firms, even national retailers, to drop the english possessive to their names. For instance, Eaton's is known all over Canada with its "s" but not in Quebec. The "s" was viewed as being too english, and as such, in violation of Bill 101. We do not know how much the language law raises the cost of doing business in Quebec relative to other Canadian markets. But the need for Quebec-only business and promotional material such as catalogues, invoices, labels, banners, specialty advertising, sales aids, contests, and so forth, would more than likely be high. There is no doubt that the language law acts as an important market barrier that firms need to consider before entering this market.

The sale of kosher foods in Montreal was seriously jeopardized when inspectors of la Commission discovered that many such products, mostly imported from New York, had no French labels. These products contravened the language law even when overlabels were used. Overlabels are banned by the law which forces manufacturers or importers to attach genuine French labels to the products they sell in Quebec. The kosher case dragged on for ten years at which time it was finally resolved to the satisfaction of all parties including the Canadian Jewish Congress and B'nai B'rith (Tamilia 1988a).

L'Office de la langue française, the policy making government agency for the Charter of the French Language, often suggests to firms the equivalent french term to replace the established english one, even if the french term has to be "invented." Such was the case with

the word "hamburger," thought to be too english while "hambourgeois" was considered to be a more appropriate french word. Some fast food chains in Quebec were quick to "adopt" it but the term never caught on with francophones.

THE CINEMA ACT

The language law is not the only law in Quebec which infringes upon the use of the english language. The Cinema Act is an attempt by the Quebec government to increase the availability of foreign films, notably American ones, in the French language. However laudable the government's intent on making American films more quickly available to francophones, the Act hurts the distribution of such films to anglophones in Montreal.

The Cinema Act states that if an English film is to be shown in Quebec, it must obtain a permit which allows the distributor up to sixty days to make a dubbed French version (subtitles are not acceptable) or have on hand a dubbing contract. Beyond the sixty day period, the Cinema Act requires that there be at least the same number of French language prints of a film as there are English language ones (Farber 1987). Furthermore, the Act was amended in late 1987 to allow only one print of any English film if the dubbed French version is not yet available or if a Quebec dubbing contract has not yet been obtained. The law now forces film distributors to have on hand a dubbed French version of a film if they wish to have more than one print of the original English film distributed in Quebec.

The law created such a stir, even among francophones, that the amendment has not yet been imposed on film distributors even though it is the law! (Bergman 1988; Brownstein 1988a). The award winning film "Broadcast News" was removed from movie theatres in 1988 because its 60 day permit had expired, and the dubbed version was not yet ready (Brownstein

1988b). Under the new rule, only one print would have been allowed in the province which means that its distribution would have been limited to only one location (i.e., one theatre).

There is no doubt that the Act, with or without its controversial amendment, is changing the very nature of the film distribution market in Quebec. Does that mean that American films will be shown later in this province than elsewhere in Canada? Does it also mean that some films will never make it to Quebec, similar to products or services that do not or cannot comply to the labelling and language requirements of Bill 101? We do not know of any particular films which never made it to Quebec. We do know from anecdotal evidence, that the film video market has been hurt with the distribution of American films being delayed in Montreal compared to other markets. A study would no doubt be important here for it would shed light on the problems facing the film industry in Quebec, particularly in Montreal as a result of the Cinema Act. Recently, IBM refused to sell a software teaching aid in Quebec for fear that it contravened the language law (Block 1988). As in the case of films and videos, a study intended to find out what products or services never made it to Quebec or whose distribution was delayed because of the language law would be informative. The IBM example may be an isolated case but this author believes that the laws in Quebec and not the French language per se, are changing the market structure of this part of Canada. In other words, the Quebec market marches to the beat of a different drummer compared to the rest of Canada, not necessarily because of the French language but because of laws which are present to protect and promote that language.

CONCLUSIONS

There is no doubt that the intent of Bill 101 or the Cinema Act is to reduce the visibility and presence of the English language in Quebec, and more importantly in Montreal. After all, the English language problem of Quebec is almost entirely a Montreal issue. By the same token, the artificially created French face of Montreal has led many anglophones and allophones to believe that they are not wanted in this so called "distinct society." That is, English is unfit to be seen in the streets of Montreal.

According to the accepted "theory," the collective rights of the French majority must take precedence over the rights of the anglophone minority even if it means denying this minority group their freedom of expression. If Montreal does not have an exclusive French face, it would, according to this popular "theory," convey the wrong message to immigrants and others that it would be acceptable to be bilingual, i.e., to be english-speaking (Levesque 1982).

The prohibition of English on signs is a clear manifestation that English is a very real threat to Quebec society. Macpherson (1989) argued that there maybe more than fear of the English language when a minister of the Quebec government told him

> ... that the French have a right to be protected from the mere sight of an English word even where it can't possibly represent any kind of real threat to the French language simply because it is offensive in its own right (page B-3)

This growing intolerance toward the English language took a turn for the worse when in February of 1990:

> ... a Parti Quebecois sponsored group of 33 volunteers scoured the streets of Hull in search of language infractions to Bill 178. Prizes were offered to the most industrious groups (Townsend 1990, page B-2)

This bounty hunt for English signs was carried out by young Francophone members of the PQ separatist party. They were offered one hundred dollar prizes for their efforts. To what extent is such behavior acceptable in a democratic society?

Intolerance toward the use of the English language reached a new level of absurdity when three hundred francophone high school students recently petitioned the principal demanding that he disallow the non French student population the right to speak their own language on school grounds, even among themselves (Scott 1990). This growing intolerance toward the English language worries Julius Grey, a McGill University law professor. Nationalism is partly responsible for the growing rejection of the English language in Quebec society. And, nationalism, like any other ideology, impacts on the democratic process and seeks to condemn those that do not share the views of the French majority (Grey 1989, 1990). Those who dare criticize the language law or the way the Quebec government promotes the French language are subject to personal attacks, and even death threats. The official language commissioner was heavily criticized for having stated that anglophones in Quebec had been humiliated by the language law. The Quebec National Assembly publicly condemned him and asked for his resignation (Macpherson 1990). The irony is that the commissioner is the federal watchdog on minority language rights. Thus, it was well within his jurisdiction to have made the comment.

There is no doubt that Quebec will show greater intolerance toward the use of the English language in the years to come. The enactment of laws in education and employment, in the distribution of films and products, and in the francization of many other areas of Quebec life which have not been discussed in this paper all point out to the implementation of a massive social engineering experiment whose intent is to transform Quebec society into an exclusively French-speaking "state." Quebec social planners and politicians seem to be totally

committed to this noble cause of assuring the survival of the French language, no matter the consequences to the English language and to those who use it. The end, according to their views of what is good for Quebec, justifies the means.

But what is the link between the survival of the French language in this part of the world and the denial of civil liberties to those who use and speak English? Can laws stop the "potential" lack of use of the French language in a sea of English which surrounds Quebec? Apparently, the Quebec government thinks so and it has thought along those lines since the Quiet Revolution of the 60's. But at what costs? Present laws are fostering a growing impatience among francophones, especially young ones, about the use and the visibility of the English language in this province. The allophones and anglophones are becoming more bilingual while francophones are becoming more unilingual French (Tamilia 1988a). Can Quebec shield itself forever from the English language in this age of free trade with the United States and the globalization of markets? Even if Quebec succeeds in becoming exclusively French-speaking, what then? Will francophones be happier, wealthier, healthier and better educated? The former Prime Minister of Canada, Pierre Trudeau, stated it more eloquently

> "That's what I don't like in the nationalism today, the thinking that somehow once we are independent in Quebec our poets will write better poetry, our scientists will make much better discoveries in laboratories, our businessmen will somehow become more competitive" (Wills 1990, page A-1)

In a short but profound article, Valaskakis (1989) stated that the decentralized nature of Canada will eventually cause Quebec to leave Confederation, with or without the Meech Lake accord. The remaining Canada will then forge stronger economic ties with the United States

> ... thereby leaving Quebec facing a cruel dilemma: stay out of the new continental union and risk economic oblivion, or come in and face cultural oblivion (page B-3)

Only time will tell if Canada will continue to exist as a country or if Quebec can succeed in assimilating those who wish to remain in this part of the world. But this author does not believe that Bill 101 or any other laws will ever succeed in assimilating all of Quebec, especially the non French segment of the population. It remains to be seen if the English language in this province and those who speak it will continue to decline in the years to come.

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